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## FACSIMILE COVER SHEET

Examiner:

D.A. Davis

Group:

1641

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April 28, 2005

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From:

Carol A. Egner, Esq.

Subject:

Paper:

REQUEST FOR WITHDRAWAL OF DEFECTIVE OFFICE ACTION

AND INTERVIEW SUMMARY

Docket No.:

1440.1038-003

Applicants:

Mustapha Abdelouahed and John W. Lawler

Serial No.:

10/084,832

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PATENT APPLICATION Attorney's Docket No.: 1440.1038-003

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicants:

Mustapha Abdelouahed and John W. Lawler

CENTRAL FAX CENTER

APR 282005

Application No.:

10/084,832

Group: 1641

Filed:

April 28, 2005

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Examiner:

D.A. Davis

Confirmation No.: 5718

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# REQUEST FOR WITHDRAWAL OF DEFECTIVE OFFICE ACTION AND INTERVIEW SUMMARY

Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

Appellants have received a nonfinal Office Action with a mailing date of 29 March 2005. This Office Action follows the filing of a Brief on Appeal, mailed to the U.S. Patent and Trademark Office, with a one-month extension, on 27 September 2004. Page 3 of the Office Action includes a form paragraph explaining that prosecution has been reopened. The form paragraph refers to 37 C.F.R. § 1.193(b)(2), which was deleted as of 13 September 2004.

Appellants request that the Office Action of 29 March 2005 be withdrawn. See MPEP § 710.06 regarding a request for withdrawal of a defective Office Action. Appellants request that the proper authority for the reopening of prosecution be cited, or that the Examiner take further action under 37 C.F.R. § 41.39, which describes the Examiner's Answer to the Appeal Brief.

#### INTERVIEW SUMMARY

On 7 March 2005, Examiner Davis called Appellants' Attorney, Carol Egner, to report that after review by two supervisory patent examiners, prosecution was being reopened. No proposals of claim amendments were made.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

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Concord, MA 01742-9133 Dated: April 28, 2005